



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

September 26, 2013
Agenda Item No. 2

SUBJECT: 601 Poppy Avenue Parcel Map – (PA2013-158)
▪ Tentative Parcel Map No. NP2013- 017
▪ County Tentative Parcel Map No. 2013-137

APPLICANT: Miguel Hargrove, Hargrove Homes

PLANNER: Deborah Drasler, Contract Planner
(949) 644-3206, ddrasler@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-2 (Two-Family Residential)
- **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A parcel map for two-unit condominium purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. An existing single-unit dwelling and a triplex, constructed over two legal lots (Lots 1 and 3) would be demolished and a new two-unit residential structure would be constructed on each legal lot. This parcel map would allow each unit, located on Lot 1 to be sold individually.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. __ approving Tentative Parcel Map No. NP2013- 017 (Attachment No. ZA 1).

DISCUSSION

- The applicant is proposing to demolish an existing single-unit dwelling and triplex that is currently developed over two underlying legal lots (Lots 1 and 3 in block 643 of Corona Del Mar).
- A new two-unit residential structure would be constructed on each of the underlying legal lots.
- Approval of this Tentative Parcel Map will allow each unit located on Lot 1 to be sold individually.
- The property is designated for two-unit residential use by the General Plan and Zoning Code. The new condominium project is consistent with this designation and a parcel map for condominiums does not change the use.
- The new condominium project will conform to current Newport Beach Municipal Code requirements and meet all Title 19 standards.
- Public improvements will be required of the applicant per the Municipal Code and Subdivision Map Act.

ENVIRONMENTAL REVIEW

The project has been reviewed, and qualifies for a Class 15 (Minor Land Divisions) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted

at City Hall, 100 Civic Center Drive, Newport Beach, California, 92660 and at the City of Newport Beach website at www.newportbeachca.gov/zoningadministrator.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 10 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Debbie Drasler, Contract Planner

GR/dad

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Tentative Map

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-017 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 601 POPPY AVENUE (PA2013-158)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Miguel Hargrove of Hargrove Homes, on behalf of Jim and Carol Skahan, Property Owner, with respect to property located at 601 Poppy Avenue, and legally described as Lot 1 of Block 643 of Corona Del Mar, requesting approval of a tentative parcel map.
2. The applicant requests a tentative parcel map for two-unit condominium purposes. No exceptions to the Title 19 (Subdivisions) development standards are proposed with this application. The property is currently developed with a single-unit dwelling and a triplex that will be demolished and replaced with a new duplex.
3. The subject property is located within the Two-Unit Residential (R2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. A public hearing was held on September 26, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions).
2. Class 15 exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 (Planning and Zoning) of the Municipal Code and is approved based on the following findings pursuant to Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Municipal Code:

Finding

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding

- A-1. The proposed Tentative Parcel Map is for two-unit condominium purposes. The existing single-family residence and triplex will be demolished and will be replaced with a new duplex. The proposed subdivision and improvements are consistent with the Two-Unit Residential (R-2) Zoning District and the Two-Unit Residential (RT) General Plan Land Use Designation, which allows a maximum of two residential units on a single lot.
- A-2. The project has been conditioned to require public improvements, including the reconstruction of existing broken or otherwise damaged sidewalks, curbs, and gutters along Poppy Avenue and Third Avenue frontages consistent with Subdivision Code (Title 19).

Finding

- B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding

- B-1. The lot is regular in shape, has a slope of less than 20 percent, and is suitable for two-unit residential development.

Finding

- C. *That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other*

considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding

- C-1. The subject property is developed and located in a developed area. The lot, proposed improvements, and proposed Tentative Parcel Map application will not cause substantial environmental damage.
- C-2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) which allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

Finding

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding

- D-1. The proposed Tentative Parcel Map is for residential condominium purposes. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. Furthermore, the proposed project will conform to all applicable City ordinances.

Finding

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding

- E-1. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development as there are no public easements that are located on the property.

Finding

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding

- F-1. The property is not subject to the Williamson Act. The subject property is not designated as an agricultural preserve and is less than 100 acres.

Finding

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
- G-2. The project is not located within a specific plan area.

Finding

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding

- H-1. The proposed Tentative Parcel Map and improvements, including the new duplex, are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards based on location and

climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding

- I-1. The residential density allowed for the site will remain the same, which allows two units in the R-2 Zoning District. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding

- J-1. Wastewater discharge into the existing sewer system has been designed to comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding

- K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding

- K-1. The proposed property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-017, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF SEPTEMBER, 2013.

By:

Brenda Wisneski, Zoning Administrator

DRAFT

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. A 10-foot radius corner cut-off easement for street and public utility purposes at the Poppy Avenue/Third Avenue curb return shall be recorded as a part of the parcel map.
4. All improvements shall be constructed as required by Ordinance and the Public Works Department.
5. Prior to recordation of the parcel map, the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Poppy Avenue and Third Avenue frontages shall be reconstructed.
6. Prior to recordation of the parcel map, the existing driveway approach along Third Avenue shall be replaced with a new driveway plug per City Standards. Per City Council Policy L-2, "Street curb openings shall not be permitted to residential property which abuts an alley."
7. Prior to recordation of the parcel map, a new minimum four-foot wide (4') concrete sidewalk shall be constructed along the entire Third Avenue frontage.
8. Prior to the recordation of the parcel map and upon the construction of the new concrete sidewalk along the Third Avenue frontage, a new ADA compliant curb access ramp shall be constructed at the Poppy Avenue/Third Avenue curb return.
9. No above ground improvements shall be located within the five-foot (5') alley setback. The setback area shall remain drivable at all times.

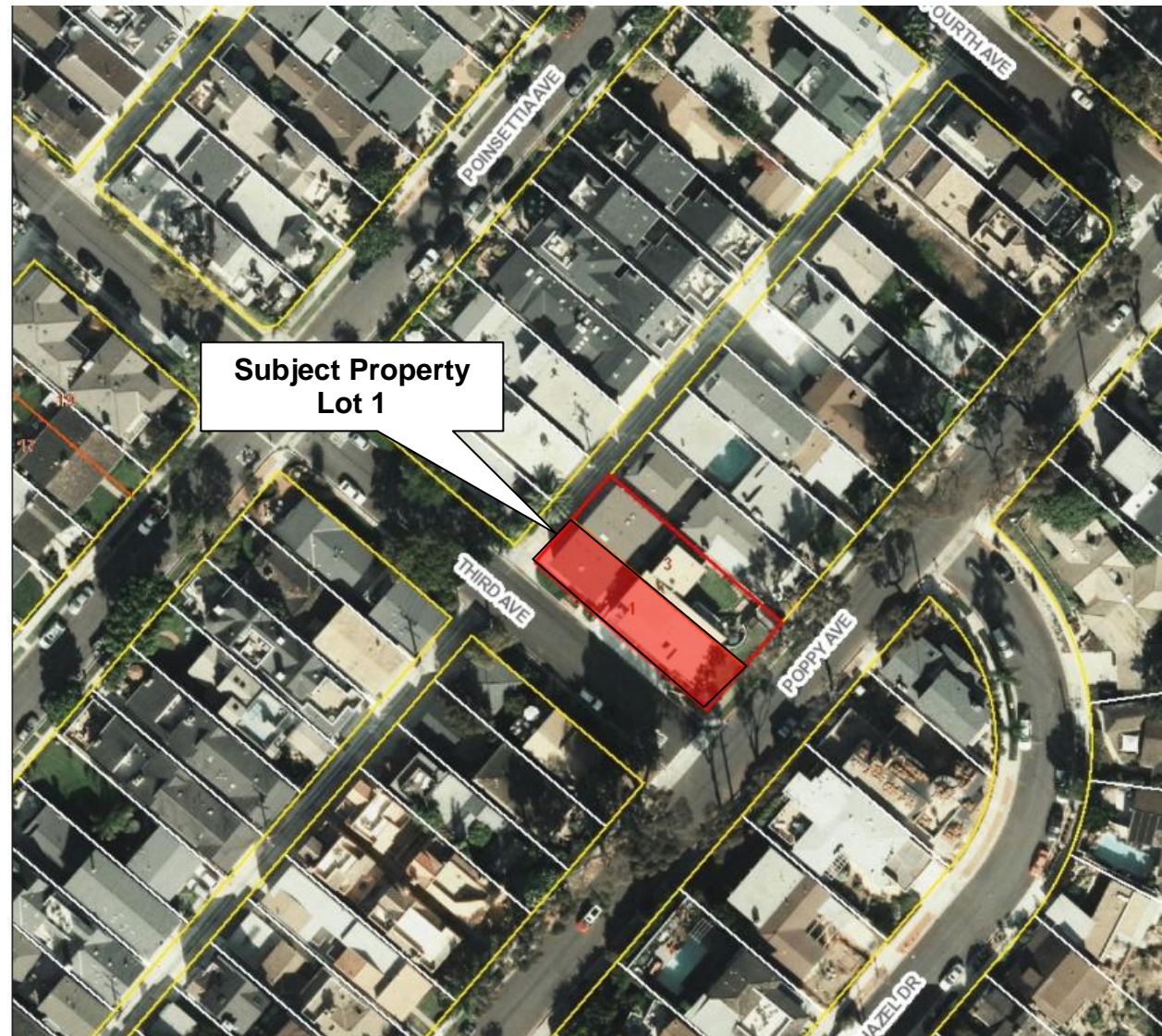
-
10. Poppy Avenue and Third Avenue are part of the City's Moratorium List. Work performed on said roadways will required additional surfacing requirements. See City Standard 105-L-F.
 11. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
 12. Prior to recordation of the parcel map, new sod or low groundcover of the type approved by the City, shall be installed throughout the Third Avenue parkway fronting the development site.
 13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and sewer cleanout shall be located within the public right-of-way.
 14. An encroachment permit is required for all work activities within the public right-of-way.
 15. All improvements shall comply with the City's sight distance requirement. See City Standard STD-110-L and Municipal Code 20.30.130.
 16. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
 17. All on-site drainage shall comply with the current City Water Quality requirements.
 18. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at the property line.
 19. Prior to recordation of the parcel map, per Chapter 13 of the City Municipal Code, two (2) 36-inch box Archontopheonix Cunningham (King palm) street trees with six-foot (6') minimum brown trunk height shall be planted along the Third Avenue frontage.
 20. Prior to recordation of the parcel map, the sidewalls of the steps near the alley along Third Avenue shall be removed from the public right-of-way.
 21. Prior to recordation of the parcel map, the sidewalk along Third Avenue shall extend straight into the alley with a maximum slope of 8.33% and max cross-slope of 2%.
 22. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
 23. Prior to recordation of the parcel map, the applicant shall apply for a building permit for demolition of the existing single-unit dwelling and triplex. The parcel map shall not be recorded until the applicant receives a final sign off of said building permit.

-
24. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized.
25. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Poppy Avenue Tentative Parcel Map including, but not limited to, Tentative Parcel Map No. NP2013-017. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
26. This Parcel Map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Community Development Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Parcel Map No. **NP2013- 017**
PA2013-158

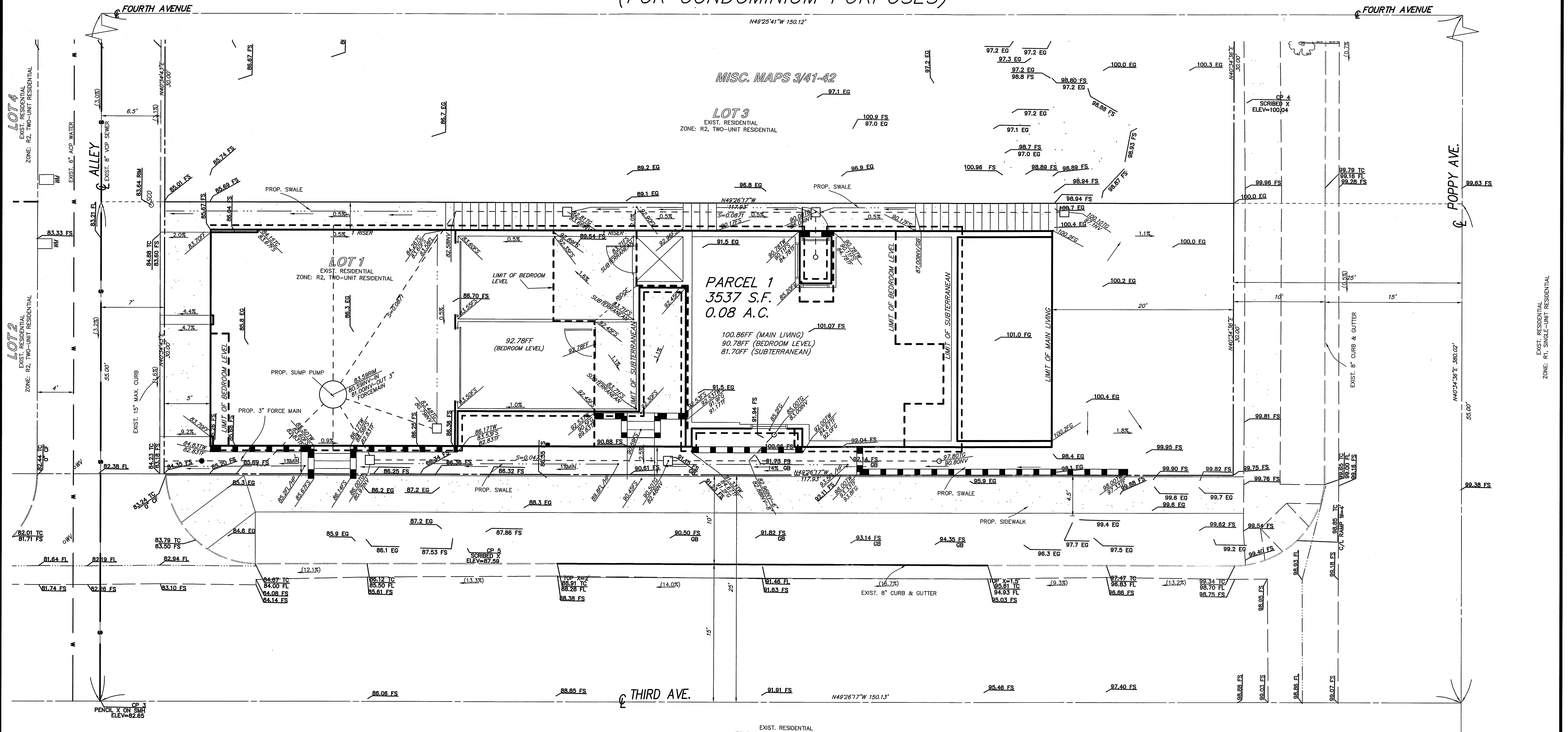
601 Poppy Avenue

Attachment No. ZA 3

Tentative Parcel Map

TENTATIVE PARCEL MAP #2013-137

(FOR CONDOMINIUM PURPOSES)



LEGAL DESCRIPTION:

LOT 1 IN BLOCK 643 OF CORONA DEL MAR, CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGES 41 AND 42, INCLUSIVE OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EASEMENT NOTES:

NO EASEMENTS NOTED AS REFERENCED FROM PRELIMINARY REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY DATED (EFFECTIVE) ON MAY 8, 2013, REFERENCE: 45187-DJ

FLOOD ZONE:

FEMA FLOOD ZONE "X"
MAP NO.: 06059C0401J
COMMUNITY: NEWPORT BEACH
DECEMBER 3, 2009

LOT AREAS:

GROSS: 3537 S.F. (0.08 A.C.)
NET: 3537 S.F. (0.08 A.C.)

OF LOTS: 1

ZONING: R2 - TWO-UNIT RESIDENTIAL

GENERAL PLAN: RT - TWO-UNIT RESIDENTIAL

OWNER:

WILLIAM H. JOHNSON &
JAMES AND CAROL SKAHAN

APPLICANT:

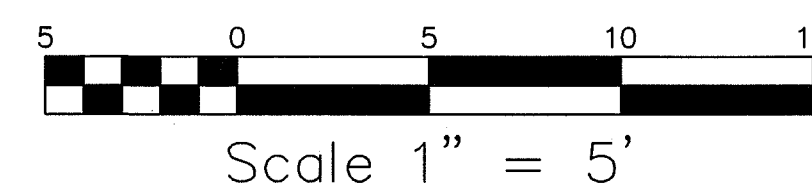
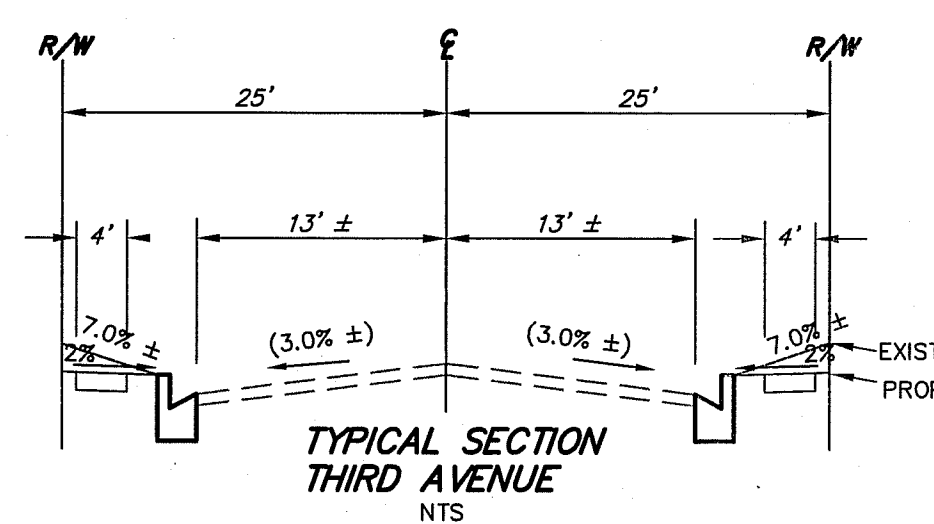
MIKE HARGROVE
3194 AIRPORT LOOP DR., #C2
COSTA MESA, CA 92626

ASSESSOR PARCEL #:

459-231-21

LEGEND

BW	BACK OF WALK	TOP OF SLOPE
EG	EXISTING GRADE	RATE OF SLOPE
FG	FINISH GRADE	TOE OF SLOPE
FS	FINISH SURFACE	
TC	TOP OF CURB	
FL	FLOW LINE	
EP	EDGE OF PAVEMENT	
FF	FINISH FLOOR	
PAD	PAD GRADE	
TW	TOP OF WALL	
TF	TOP OF FOOTING	
HP	HIGH POINT	
LP	LOW POINT	
CF	CURB FACE	
TG	TOP OF GRATE	
TRW	TOP OF RETAINING WALL	
EDF	EXTRA DEPTH FOOTING	
INV	INVERT OF PIPE	
		DAYLIGHT LINE
		CONCRETE



BENCHMARK	REVISIONS:

PREPARED UNDER THE SUPERVISION OF:
DENNIS C. FARNSWORTH
R.C.E. 31653 LIC. EXP. 12-31-2014 DATE
APPROVED BY:
DATE

TENTATIVE PARCEL MAP #2013-137
SITE:
601 POPPY AVE.
NEWPORT BEACH, CA 92625
PREPARED FOR:
MIKE HARGROVE
3194 AIRPORT LOOP DR., #C2
COSTA MESA, CA 92626

LAND DEVELOPMENT DESIGN COMPANY, LLC	2313 E. Philadelphia St., Ste. F Ontario, CA 91761 (909) 930-1466 • FAX (909) 930-1468
PLANNING • CIVIL • SURVEYING	
DATE: 8/6/13	JOB NO. 5149
DRAWN BY: HAG	SCALE 1"=5'
DESIGNED BY: ---	SHEET 1 OF 1 SHEETS
CHECKED BY: DCF	